## REMARKS

In the Final Office Action mailed on May 12, 2005, the Examiner rejected claims 1-3, 7-9, 11, 12, 17-19, 22-24, 28-30 and 32-34 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,890,136 to Kipp ("Kipp") in view of U.S. Patent No. 6,496,806 to Horwitz et al. ("Horwitz"); and rejected claims 4-6, 10, 13-16, 21, 25-27, 31 and 35 under 35 U.S.C. § 103(a) over Kipp in view of Horwitz and U.S. Patent No. 6,463,345 to Peachey-Kountz et al. ("Peachey-Kountz"). Applicants herein amend claims 1, 11, 22 and 32, and present new claim 36. As a result, claims 1-19 and 21-36 are presently pending. Further examination and review in view of the amendments and remarks below are respectfully requested.

Applicants' Techniques

Applicants' techniques are directed to tracking orders at a unit level. One aspect of Applicants' techniques provides a unit order system that interfaces with an existing order processing system to track orders at the unit level. The order processing system provides an order database that typically includes an order record for each order and an item record for each item of the order. The unit order system provides a unit order database that includes a record for each unit of each item of each order in the order database. The unit order system periodically accesses the order database to identify new orders or changes to existing orders in order to update the unit order database to reflect the new, changed or canceled orders.

Cited References

Kipp

Kipp describes a method for ordering and purchasing articles from a remote location for pickup at an article pickup area at an automated store. A central computer receives a customer's purchase order and stores the purchase order in a database. Subsequently, during article pickup by the customer, the central computer verifies the order by checking the order database and the information on file for that order. If the customer order is verified, then the central computer enables a release mechanism for

the articles ordered to cause the articles to be rapidly dispensed into the retrieval basket, and thereafter transported to the article pickup area.

<u>Horwitz</u>

Horwitz describes a method for tracking a cluster of items using records stored in a central database. A tag configured to transmit a signal representing a tag ID is attached to each individual item. The central database contains records for individual items and records for clusters (i.e., pallet, crate, etc.) of items. For example, when several items have been grouped together on a pallet, the pallet ID and the tag IDs for each of the items is saved in the central database. The records in the database are then linked together within the database to enable the pallet ID to be determined from the tag IDs, and to enable the tag IDs to be determined from the pallet ID.

## I.     Rejections under 35 U.S.C. § 103

Claims 1-19 and 21-35 stand rejected over Kipp in view of Horwitz or Horwitz and Peachey-Kountz. Applicants respectfully traverse these rejections.

Claims 1-19 and 21-35 each recite, (1) a unit order database that is distinct from an order database, and (2) when status of an item of an order changes, setting a status in the record of the unit order database for the unit of the item of the order to reflect the changed status so that the status of each unit of each item of an order can be tracked separately from the order. In rejecting the claims, the Examiner indicated that Horwitz' tracking each individual item of a cluster of items, where a record for each item is stored in a central database, and each record is linked through a cluster (abstract; col. 4, lines 40-57; col. 1, lines 1-20; col. 8, lines 17-24) corresponds to setting a status in the record of the unit order database for the unit of the item of the order to reflect the changed status so that the status of each unit of each item of an order can be tracked separately from the order.

Applicants respectfully disagree. Horwitz does not disclose, suggest or teach a unit order database that is distinct from an order database, nor does Horwitz disclose, suggest or teach setting a status in the record of the unit order database for the unit of

the item of the order to reflect the changed status when the status of an item of an order changes so that the status of each unit of each item of an order can be tracked separately from the order. In Horwitz, a single centralized database stores both the cluster records and the item records. (See e.g., col. 9, lines 4-11; col. 9, lines 53-56; col. 10, lines 9-15; col. 9, line 58-col. 10, line 67.) Storing both the cluster records and the unit records in a single database is distinct from Applicants' use of two different databases and, thus, Horwitz fails to suggest or teach a unit order database that is distinct from an order database. Applicants can find in Horwitz no such disclosure or suggestion.

According to Horwitz, when several of the items are grouped into a cluster, the tag ID for each of the several items that are grouped into the cluster is stored in association with the cluster ID in a central database. (col. 6, lines 27-32.) This allows an item to be tracked by linking its tag ID to the cluster or pallet ID in the central database. (col. 4, lines 44-46; col. 6, lines 27-32; col. 8, lines 16-24.) Thus, in Horwitz, the status of the items in a cluster is only tracked as part of the status of the cluster, and is not tracked separately apart from the cluster. This is in contrast to setting a status in the record of the unit order database for the unit of the item of the order to reflect the changed status when the status of an item of an order changes <u>so that the status of each unit of each item of an order can be tracked</u> **separately** <u>from the order</u>, as recited. Applicants can find in Horwitz no such disclosure or suggestion.

In response to Applicants' argument that Horwitz does not disclose, suggest or teach setting a status in the record of the unit order database for the unit of the item of the order to reflect the changed status when the status of an item of an order changes, the Examiner stated in an Advisory Action mailed on July 8, 2005, that:

> Furthermore, this statement is not a positice [*sic*] recitation that the results will not change. [T]he claim states "when the status changes", therefore, if the status does not change, then the limitation is not required, and the claim stands without it. Therefore, the Examiner considers the rejection to be proper and it stands as stated in the Final Office Action.

Applicants respectfully disagree. Claims 1-19 and 21-35 each include the feature of setting a status in the record of the unit order database for the unit of the item of the order to reflect the changed status when the status of an item of an order changes so that the status of each unit of each item of an order can be tracked separately from the order. Accordingly, a status in a record for a unit of an item in the unit order database is set in response to a change in the status of the unit of the item. Because this feature is recited in the claims, the feature is an element of the claims and, as such, must be disclosed, suggested or taught by the cited references. It is improper for the Examiner to dismiss this feature of the claims by merely stating that "if the status does not change, then the limitation is not required, and the claim stands without it."

In Horwitz, the records of the tag IDs in the central database do not have a status setting for tracking the status of the item. According to Horwitz, the central database tracks a cluster of items through storage, processing, and shipping stages. (described at col. 10, line 58-col. 11, line 67, and shown in Figs. 6 and 7). In particular, the central database tracks the items by recording each item received (col. 11. lines 21-22), recording the identity of the truck that brought the cluster as well as the loading dock where the cluster was received (col. 11, lines 25-27), recording when the items were received, when they were stored and how long they spent in transit (col. 11, lines 29-31). Although the central database in Horwitz tracks the cluster of items, there is no teaching or suggestion that the central database does so by setting a status in the tag ID record.

Newly added claim 36 recites a method in a computer system for augmenting a conventional order processing system capable of tracking orders for units of items at the order level to allow the order processing system to track orders at the unit level, which is neither taught nor suggested by Kipp, Horwitz or Peachey-Kountz. In particular, claim 36 recites "augmenting the conventional order processing system with a unit order database separate from the order database," "updating the unit order database to include a record for each unit of each item of each order of the order database," "determining a change in status of a unit of an item of an order," and "responsive to
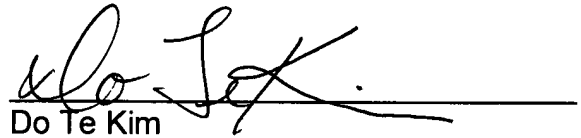
determining the change in status of the unit of the item of the order, setting a status indicator in the record of the unit order database for the unit of the item of the order to reflect the changed status so that the status of each unit of each item of an order can be tracked separately from the order," which are neither taught nor suggested by Kipp, Horwitz or Peachey-Kountz.

## II.   Conclusion

In view of the foregoing, Applicants respectfully submit that claims 1-19 and 21-36 are allowable and ask that this application be passed to allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

Respectfully submitted,

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